unless they had first applied to the commission. But the only case he cites to sustain his contention is *Interstate Commerce Com.* v. *Atchison, T. & S. F. R. R. Co.*, 50 Fed. 295. Since the decision in the present case, however, there has appeared the case of *Brewer et al.* v. *Central of Ga. Ry. Co. et al.*, 84 Fed. Rep. 258, which flatly contradicts the present decision, citing as exactly to the same view, *Interstate Commerce Com'n* v. *Alabama M. R. R. Co.*, 18 Sup. Ct. 45. In this last case are quoted the words of Judge Cooley in *In re Louisville & N. R. R. Co.* v. *Interstate Commerce Com'n*, 1 Interst. Commerce Com. R. 47, "if the carrier, without first obtaining an order for relief, shall depart from the general rule, its doing so will not alone convict it of illegality, since, if the circumstances and conditions of the two hauls are dissimilar, the statute is not violated. * * * Beyond question the carrier must judge for itself," etc.

Patents—Infringement—Sale of Patented Articles Purchased Abroad—Dickerson v. *Tinling*, 84 Fed. 192. Dickerson was the assignee of a patent on phenacetine. Defendant purchased phenacetine in Germany, where it was not patented, imported and sold it in this country. *Held*, that such sale in this country was an infringement, whether he purchased the phenacetine in Germany from persons other than the owner of the U. S. patent or his vendees, or whether he purchased it from the owner of the U. S. patent with a condition marked on the article that it should not be imported into the U. S. See Vol. 7 YALE LAW JOURNAL, p. 233, for comment on analogous cases.

Contempt—What Constitutes—Defence—Jurisdiction—Review—McClatchy v. *Superior Court of Sacramento County*, 51 Pac. Rep. (Cal.) 696. The attention of a judge while sitting on a bench being drawn to a newspaper article descriptive of the proceedings of the day before, he pronounced them a gross fabrication. In a succeeding issue of the paper an editorial read as follows: "The *Bee* will not keep in its employ a reporter who garbles or mistakes, * * * and it will not stand silently by while an aggregation of attorneys tries to make him out a liar and while a prejudicial and vindictive czar upon the bench aids and abets them in such a purpose." Thereupon the editor was charged with contempt and found guilty. On trial in lower court counsel sought to prove the truth of its publications, after evidence of their falsity in the shape of official court reports had been introduced by the prosecution, but was not permitted to do so. On a writ of certiorari it was *held*, that the court exceeded its power in refusing to admit such evidence. The publication of the truth as to legal proceedings is not a contempt of court (*In re Shortbridge*, 99 Cal. 526, 34 Pac. Rep. 227); and the criticisms of the action of the judge, if made only in proper response to an unjust charge against accused's veracity, and without intent to improperly influence the proceedings of the court would not be contemptuous. The action of the court constituted a denial of due process of law. Beatty, C. J., concurring, based his decision on the ground that the judge of the lower court, in denouncing the original report, was acting outside of his judicial capacity. Harrison, J., dissented on the ground that the action of the lower court, after obtaining jurisdiction to investigate the charge, was not a subject of review, and that the finding as to the facts, upon which it based its opinion, was final. Compare *State ex rel. Att'y Gen.* v. *Court of Eau Claire County et al.*, YALE LAW JOURNAL, Vol. VII., No. 2, p. 278.